

# OPEN AND SHUT?



Thursday, January 26, 2012

## Elsevier needs to get out more

As many in the research community will now be aware, a controversial piece of legislation was introduced into the US House of Representatives at the end of last year.

Known as the Research Works Act (RWA), or [HR 3699](#), the proposed new law would reverse the [Public Access Policy](#) introduced in 2005 by the US National Institutes of Health (NIH). The NIH Policy requires that taxpayer-funded research is made freely accessible in the [National Library of Medicine's PubMed Central](#) database within 12 months of publication.

The RWA would also prevent other federal agencies from imposing similar requirements on their funded researchers. As such, it poses a serious threat to the Open Access (OA) movement.

The bill is backed by the Association of American Publishers (AAP) and its Professional and Scholarly Division (PSP), which last December published a press release [describing](#) the bill as, “significant legislation that will help reinforce America’s leadership in scholarly and scientific publishing in the public interest and in the critical peer-review system that safeguards the quality of such research.”

In the past week or so a number of AAP members have publicly disavowed the RWA, including MIT Press, ITHAKA, Pennsylvania State University Press, California University Press, Rockefeller University Press, Nature Publishing Group, and the non-profit [American Association for the Advancement of Science \(AAAS\)](#), which published the journal [Science](#).

One one member of the AAP that does clearly support the RWA is Amsterdam-based [Elsevier](#), and a few days ago the company emailed me the following statement explaining why:

*Our support for the Research Works Act comes down to a question of preferring voluntary partnership with government agencies and other funders to promote access to research works, rather than being subjected to inflexible government mandates like the NIH policy, which don't take into account the needs of different journals.*

*One of Elsevier's primary missions is to work towards providing universal access to high-quality scientific information in sustainable ways. We support the bipartisan bill, which seeks to prevent US government policies, like the one imposed by the NIH, that mandate the dissemination of journal articles published and funded by the private sector. Elsevier and other publishers have embraced and nurtured a whole range of access options to ensure broad dissemination – author pays journals, delayed access, manuscript posting, and patient access, to name a few. We've worked constructively with a number of government agencies to develop new ways to expand access to journal articles reporting on, analyzing and interpreting agency-funded research. But like other publishers and societies we have always opposed the adoption or extension of the NIH policy, which restricts the author's freedom to choose where to publish and undermines the sustainability of journals published by the private sector. The legislation is an effort to prevent such unsustainable policies.*

And it is Elsevier that is bearing the brunt of the outcry against the RWA, being widely [vilified](#) as “evil” and/or wicked.

But while there can be little doubt that Elsevier played an important role in the introduction of the RWA, and that it has [donated money](#) to the two lawmakers

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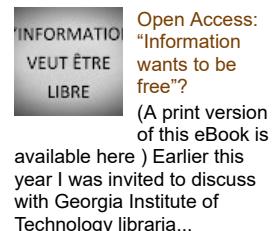
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who sponsored the bill, it would be naïve to think that it is the only publisher that supports the RWA. Most of the others have apparently chosen to keep their heads down and let Elsevier take the hits.

For that reason Elsevier has become the primary target for critics of the bill. But why is the criticism quite so vitriolic? Partly, no doubt, because Elsevier is the world's largest and most dominant subscription publisher, and has long been held to overcharge for its journals, and partly because it resisted Open Access for so long, and with such obduracy.

But I think there is an important additional reason. Since [Derk Haank departed Elsevier for Springer](#) in 2003, the company has had no human face. In many people's eyes, therefore, the company is viewed not so much as a publisher, but as a faceless, anonymous, and unheeding, moneymaking machine intent only on sucking the lifeblood out of the research community in order to feed the insatiable appetite of its shareholders.

For current purposes, I am not interested in exploring whether this characterisation of Elsevier reflects reality in any way, and I am not interested in the rights and wrongs of the RWA. I do, however, think that the company could do itself a big favour if it began to communicate more directly, and more effectively, with the research community.

If Elsevier is indeed now committed to Open Access, and if its publishing services really do – as it maintains – provide good value for money, it really needs to demonstrate as much. And to do that it needs to step out from its [Amsterdam publishing tower](#) and talk to people. Rather than lobbying behind closed doors, and communicating by means of press releases and statements, it needs to engage in more public discussion, and in open forums rather than private meeting rooms.

As it happens, the company has shown signs of moving in this direction recently. Earlier this month, for instance, Elsevier's vice president of global corporate relations [Tom Reller](#) entered the lion's den of a social networking site, and posted comments on the blog of [Michael Eisen](#), a co-founder of OA publisher [Public Library of Science](#), and one of Elsevier's fiercest [critics](#).

And last week Elsevier's director of universal access [Alicia Wise](#) braved the torrid waters of the [Liblicense mailing list](#) to [explain](#) "how it is possible for Elsevier to be both positive about PubMed Central and the Research Works Act."



*Image from Bernt Rostad*

But this needs to be just the start of the process. And it was in order to make this point that I sat down earlier this month outside the [Mad Bishop and Bear](#) pub in London's Paddington station to speak with Reller and Wise (I bought my own coffee, so I don't expect to find myself listed on a journalist's version of [MapLight](#)).

In doing so, I discovered that neither of them has horns, and they did not breathe fire at me. Of course, there was much that we could not agree on, but we did have a civilised discussion, and I think both sides learned from the exchange of views.

One thing I repeatedly stressed is that Elsevier needs to get out more, and talk to people – not just to its shareholders and larger customers, but to the wider research community. If it doesn't do that, I believe, then it risks later discovering that commenting on Eisen's blog, and posting to Liblicense, was simply too little, too late.

The good news is that Reller gave me a personal commitment that he would arrange for me to do an interview with someone from Elsevier, likely Alicia Wise.

All that remains is for him to call me with a date and time.

I am waiting for Reller's call!

(The call came, and the interview with Alicia Wise is now available [here](#)).

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## 3 comments:

**Anonymous said...**

To much hype over this bill. It does not threaten open access journals, only protects the copyright of closed access ones. Want government funded research to be freely available, publish on open access journals, simple. Elsevier will fade or transform as a result, no legislation needed.

January 27, 2012 3:01 am [Reply](#)



**aram harrow said...**

Are any of these publishers on the side of "providing universal access to high-quality scientific information in sustainable ways"?

I doubt it.

They need money, which they get from subscribers, who pay it because they can't get access to the article any other way.

If everything were available on open-access repositories, publishing houses would get profits closer to what the local Kinko's gets from publishing course packs. Scientists want this, publishers don't, and conflict is inevitable. I don't think "engaging in public discussion" is going to change this.

January 27, 2012 7:40 am [Reply](#)



**gemstest said...**

Elsevier seem to be using a lot of bolierplate text in their communications. Interesting to see that Elsevier are extracting a fee for deposition in UKPMC. A group of us asked Alicia for an exchange on Elsevier and HINARI a year ago and are still waiting.

February 02, 2012 9:26 am [Reply](#)

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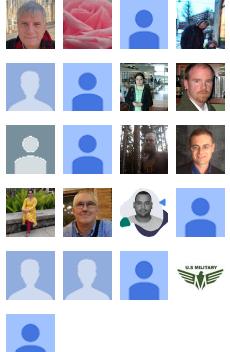
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